

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIRCEA CONSTANTINESCU, NIKOLAOS
LIMBERATOS, AND ALEXANDRU RADULESCU,

Defendants.

19-CR-651 (SHS)

MEMORANDUM
& ORDER

SIDNEY H. STEIN, U.S. District Judge.

On July 7, a jury convicted defendant Mircea Constantinescu of conspiracy to commit access device fraud, conspiracy to commit wire fraud and bank fraud, aggravated identity theft, and conspiracy to commit money laundering. (ECF No. 1163.) At the conclusion of the trial, the government moved for remand and the Court granted that motion with leave for defendant to further argue for bail.

In a July 9 letter filed under seal, Constantinescu seeks release pending sentencing. Under 18 U.S.C. § 3143(a)(1), the Court:

[S]hall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence . . . be detained, *unless the judicial officer finds by clear and convincing evidence* that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c).

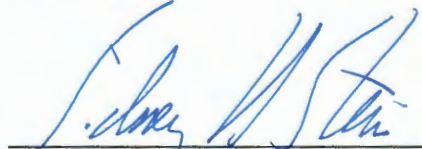
18 U.S.C. § 3143(a)(1) (emphasis added).

For substantially the same reasons as set forth by the Court on the record on July 7 and after considering all of the evidence—including defendant’s continuing close connections with Romania and recorded conversations by Constantinescu concerning the possibility of leaving the United States, *see* Gov’t Opp’n, at 3, ECF No. 1167—the Court is unable to find by “clear and convincing evidence” that Constantinescu is “not likely to flee.”

Accordingly, IT IS HEREBY ORDERED that defendant’s motion for release pending sentencing pursuant to 18 U.S.C. § 3143(a)(1) is denied.

Dated: New York, New York
July 13, 2022

SO ORDERED:

A handwritten signature in blue ink, appearing to read "S. H. Stein", is written over a horizontal line.

Sidney H. Stein, U.S.D.J.